

# Fact Sheet: (SB 651)

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## **RESPONDING TO SEXUAL ASSAULTS IN STATE FACILITIES**

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### **THE PROBLEM**

People with developmental and mental disabilities are at great risk for sexual assault. Conservative estimates are that 80 % of women and nearly 40% of men with developmental disabilities will be sexually assaulted at least once in their lifetime. Of these, 50% will be assaulted 10 or more times. People with mental disabilities are 23 times more likely to be raped than the non-disabled population. The risk of sexual assault is two to four times higher in institutions than in the community.

### **BACKGROUND**

Residents of state developmental centers and state hospitals are vulnerable to sexual assault. Yet few, if any, receive timely forensic medical examinations by trained independent sexual assault examiners. Almost all victims are interviewed and examined by untrained staff physicians and internal facility investigators. These individuals lack the expertise and equipment necessary to conduct examinations and collect physical evidence. Such evidence is particularly important in cases involving individuals with disabilities who may lack the ability to give testimony in court.

Last year, Senator Leno successfully carried SB 1522 which required developmental centers to report serious incidents of abuse or criminal conduct to law enforcement. However, the bill

did not include any penalty for failure to comply.

SB 651 would apply to the following institutions:

#### **Five developmental centers:**

- Sonoma Developmental Center
- Lanterman Developmental Center
- Porterville Developmental Center
- Fairview Developmental Center
- Canyon Springs Developmental Center

#### **Five state hospitals:**

- Atascadero State Hospital
- Coalinga State Hospital
- Metropolitan State Hospital
- Napa State Hospital
- Patton State Hospital

Also included in the measure are three Department of Corrections and Rehabilitation medical facilities that have mental health units run by the Department of State Hospitals. They include:

- Salinas Valley Psychiatric Program
- Vacaville Psychiatric Program
- Stockton Psychiatric Program (operational in July, 2014).

## THE SOLUTION

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- SB 651 would ensure that residents of state developmental centers and state hospitals who are victims or suspected victims of sexual assault are provided with medical evidentiary examinations at the appropriate facility in the community.
- In certain cases for public safety reasons, the bill would allow sexual assault forensic medical exams to be performed in state institutions by an independent sexual assault forensic examiner, if the examiner is designated to perform exams in the institution's jurisdiction and the facility is equipped with forensic examination and evidence collection capability.
- Would require the sexual assault forensic medical examiner to report to law enforcement when a medical exam has been performed.
- The bill would subject developmental centers to possible fines and civil penalties for failure to report certain violent crimes to outside law enforcement.

East Bay Developmental Disabilities  
Legislative Coalition  
National Association of Social Workers  
North Los Angeles County Regional Center

## SUPPORT

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Disability Rights of California (Sponsor)  
The Arc and United Cerebral Palsy  
The Alliance *Supporting People with  
Intellectual and Developmental Disabilities*  
Association of Regional Center Agencies  
(ARCA)  
California District Attorneys Association  
California Coalition Against Sexual Assault  
(CALCASA)  
California Statewide Law Enforcement  
Association  
California Association of Psychiatric  
Technicians  
California Alliance for Retired Americans